

REMARKS

Claims 1-10 are pending in the application. Of these, claims 6, 8 and 10 are withdrawn from consideration.

I. Response to Double Patenting Rejections

A. 10/645,797 (Pub. No. 2004/0053988) in view of Wachi

Claim 1 is provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 13, 14 and 28 of co-pending Application No. 10/645,797 in view of Wachi (2003/0210310).

B. 10/714,845 (Pub. No. 2004/0094064) in view of Wachi

Claims 1-5 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5 of copending Application No. 10/714,845 in view of Wachi (2003/0210310).

C. 7,022,170 in view of Wachi

Claims 1-3 and 5 are rejected on the ground of non-statutory obviousness type-double patenting as being unpatentable over claim 1-4 of U. S. Patent No. 7,022,170 in view of Wachi (2003/0210310).

D. 10/645,795 (Pub. No. 2004/0050291) in view of Wachi

Claims 1-3 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 13, 14 and 28 of copending Application No. 10/645,795 in view of Wachi (2003/0210310).

E. Applicants' Response

First, Applicants note that the '797 application issued as U.S. Patent No. 7,037,365 on May 2, 2006, the '845 application issued as U.S. Patent No. 7,083,664 on August 1, 2006 and the '795 application issued as U.S. Patent No. 7,083,668. In view of the fact that the '797, '845 applications have issued as U.S. patents, the double patenting rejections involving these applications are not properly provisional rejections. Also, the rejection involving the '170 patent is not properly provisional.

In each of the above rejections, Wachi is cited as a secondary reference to remedy the admitted deficiencies of the claims of each of the '170 patent and the claims of the '787, '845 and '795 applications.

Applicants claim priority to JPA 2003-028484, filed on February 5, 2003 in Japan which precedes both the §102(a) date of November 13, 2003 and the §102(e) date of April 2, 2003 of Wachi.

The subject matter of the present claims is described in the priority document. A copy of the sworn English translation of the priority document is filed herewith in compliance with 37 C.F.R. §1.55.

In view of the above, Wachi cannot be considered as prior art with respect to the present invention and it is respectfully requested that it be removed as a reference.

The presently claimed invention is not an obvious variant of the subject matter of the claims of the '170 patent and the claims of the '787, '845 and '795 applications (now the '365 patent, the '664 patent and the '668 patent respectively). Accordingly, the presently claimed invention is patentable.

In view of the above, Applicants respectfully request withdrawal of the obviousness-type double patenting rejections.

II. Response to Claim Rejections under 35 U.S.C. § 103

A. US 2004/0053988¹ in view of Wachi

Claims 1 and 5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Taguchi (US 2004/0053988) in view of Wachi (2003/0210310).

B. US 2004/0094064 in view of Wachi

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Taguchi (US 2004/0094064) in view of Wachi (2003/0210310).

C. US 2004/0050291 in view of Wachi

Claims 1-3 and 5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Taguchi (US 2004/0050291) in view of Wachi (2003/0210310).

D. US 7,002,170 in view of Wachi

Claims 1-3 and 5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Taguchi (US 7,002,170) in view of Wachi (2003/0210310).

E. Applicants' Response

In each of the above rejections, Wachi is cited as a secondary reference to remedy the admitted deficiencies of US '988, US '064, US '291 and US '170. As stated above, Wachi

¹ Taguchi is incorrectly identified as "US 20040053998" in the Action. It has been confirmed by the Examiner that the correct reference is US 2004/0053988.

should be removed as §102(a) and §102(e) reference in view of Applicants' claim to foreign priority and the sworn English translation of JP 2003-028484 submitted herewith. Thus, the present invention is patentable.

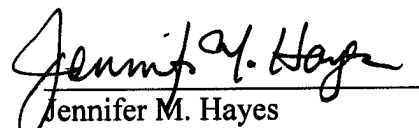
Accordingly, Applicants respectfully request withdrawal of the rejections.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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